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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,910	03/15/2004	James R. Sage JR.	SAGE-7	1485

7590 04/17/2006

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EXAMINER

ABBOTT, YVONNE RENEE

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/800,910	SAGE, JAMES R.	
	Examiner	Art Unit	
	Yvonne R. Abbott	3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 2/7/06 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 4, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn (5,816,195) in view of Schierenbeck (4,325,326). Flynn shows a method and device capable of collecting debris from an animal's paw comprising a tray (30); a grid (32) which is capable of fitting in the tray upon which the animal steps and causes debris on the animal's paw to be dislodged from the paw and fall through the grid on to the tray, the grid formed of channels each having a top surface, the grid removable from the tray so the tray can be turned over and debris emptied from the tray; the channels are parallel and in spaced relation with each other and have gaps between them through which the debris falls onto the tray; wherein the tray has a base with a perimeter and a wall that extends along and from the base, the grid fits within the wall and on the base. Flynn, however, does not specifically disclose that the channels have a top surface that is rounded, or that the channels have a space

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between 1/16 inch and 1/2 inch. To provide that the space between the channels is between 1/16 inch and 1/2 inch would have been obvious to one of ordinary skill in the art depending upon the size of material one wished to sift through the grating (i.e. litter, clumps of dirt, etc.), and the size of the animal's paws (so as to prevent injury); furthermore it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233. Schierenbeck teaches a grate on which animal's walk which allows waste material or debris to fall from the animal's feet (paws, hooves, clovens, etc.); wherein the grate forms a grid having channels each having a rounded top surface (Fig. 5); wherein the channels are parallel and in spaced relation with each other and have gaps between them through which the debris falls. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide that the round top channels of the Schierenbeck grate be used as the grid in Flynn in order to provide a good self-cleaning (by loosening dirt lumps that pass through slit (2)), comfortable and supportive treading surface for the animals as taught by Schierenbeck (col. 3, lines 22-25).

Claims 1, and 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans (Des. 351,694) in view of Nissinen (Des. 253,984). Evans shows a method and device capable of collecting debris from an animal's paw comprising a tray; a mat or grid which is capable of fitting in the tray upon which the animal steps and causes

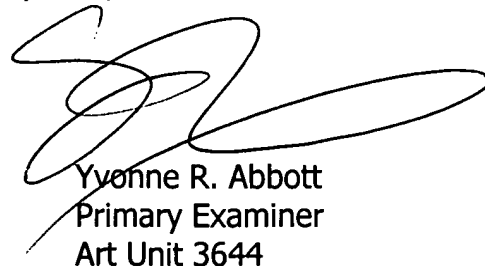
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debris on the animal's paw to be dislodged from the paw and fall through the grid on to the tray, the grid removable from the tray so the tray can be turned over and debris emptied from the tray; wherein the tray has a base with a perimeter and a wall that extends along and from the base, the grid fits within the wall and on the base; wherein the grid has a stand (Figures 3, 6, 8) to which the grid is connected for support above the base and in spaced relation to the base. Evans, however, does not disclose that the grid has channels having a top surface that is rounded, or that the channels have a space between $1/16$ inch and $1/2$ inch. To provide that the space between the channels is between $1/16$ inch and $1/2$ inch would have been obvious to one of ordinary skill in the art depending upon the size of material one wished to sift through the grating (i.e. litter, clumps of dirt, etc.), and the size of the animal's paws (so as to prevent injury). Nissinen teaches a mat on which animal's can walk which allows waste material or debris to fall from the animal's feet (paws, hooves, clovens, etc.); wherein the mat forms a grid having channels each having a rounded top surface (Fig. 5); wherein the channels are parallel and in spaced relation with each other and have gaps between them through which the debris falls. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide that the round top channels of the Nissinen mat be used as the mat in the Evans device in order to provide a good self-cleaning (by loosening dirt lumps that pass through slit (2)), comfortable and supportive treading surface for the animal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne R. Abbott whose telephone number is (571) 272-6896. The examiner can normally be reached on Monday-Thursday 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on (571) 272-7045. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yvonne R. Abbott
Primary Examiner
Art Unit 3644